



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. MBHB00-516)

In the Application of:	)	
	)	
Risto Makipaa	)	
	)	Art Unit: 2683
Serial No.: 09/604,596	)	
	)	Examiner: Lee Nguyen
Filed: June 27, 2000	)	
	)	
Title: Centralized Management of	)	
Telecommunications Parameters	)	

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF TAPIO ÄKRÄS

I, Tapio Äkräs, a citizen of Finland and having a residence at Liinalahdentie 3,  
01800 Klaukkala, Finland declare as follows:

1. I am a patent attorney employed by the patent law firm Kolster Oy Ab.  
My offices are located in Helsinki, Finland.
2. In 2000 and 2001, Kolster Oy Ab entrusted the filing of six U.S. patent applications assignable to Domiras Oy to A. Blair Hughes at the law firm of McDonnell Boehnen Hulbert & Berghoff in Chicago, Illinois. One of the six applications was titled "Centralized Management of Telecommunications Parameters". Mr. Hughes filed the application with the U.S. Patent Office on June 27, 2000. The U.S. Patent Office designated the application as serial number 09/604,596 (hereinafter the '596 application). A table listing the six U.S. patent applications entrusted to Mr. Hughes is found below.

U.S. Patent Application S.N.	U.S. Patent Application Filing Date	Title
09/462,761	January 12, 2000	Method and Terminal for Providing Services in Telecommunication Network
09/604,596	June 27, 2000	Centralized Management Of Telecommunications Parameters
09/800,750	March 7, 2001	Method in wireless telecommunication system, system, transmitter and receiver
09/804,862	March 13, 2001	Wireless Communications System with Broadcasting Transmitter
09/980,195	November 30, 2001	Method of Billing Services, Server and Telecommunication System
10/032,905	November 1, 2001	Establishment of Upstream Connection in Wired Network

3. The assignee of the six applications including the '596 application at the time of their filing was Domiras Oy, a Finnish company founded by the application inventor Mr. Risto Mäkipää and Alma Media OYJ. Domiras Oy was created to develop and patent Information Technology (IT). Alma Media OYJ is one of the largest media concerns in Finland and is part of a large Scandinavian corporation. Over the years, Domiras Oy filed dozens of patent applications worldwide for innovations developed and invented by Mr. Mäkipää.

4. At the end of the IT boom in early 2002, Alma Media desired to end its cooperation with Mr. Mäkipää. Mr. Mäkipää in turn wished to purchase Alma Media's shares of Domiras Oy and to continue prosecuting and patenting his innovations. However, Mr. Mäkipää needed to find investors in order to finance a buy out of Domiras Oy. At the same time, Alma Media desired to reduce Domiras Oy's expenses. On June

13, 2002 the managing director of Domiras Oy, Mr. Raimo Mäkilä instructed us that Alma Media would not pay any costs associated with Domiras Oy's patent portfolio after July 20, 2002. As of this date, Mr. Mäkipää had not secured financing for his planned buy out of Domiras Oy.

5. As a consequence of Mr. Mäkipää's instructions, we sent a letter to Mr. Hughes at McDonnell Boehnen Hulbert & Berghoff on June 14, 2002 instructing him as follows:

"This is to inform you that the ownership of patent applications in the name of Domiras Oy might change in the near future and that the further prosecution of the applications is under consideration. For your convenience, we have attached a list of the applications that are handled by your office.

Kindly incur no further expenses and do not work on these files without written authorization from us. However, in case an official letter is used, please send us a copy thereof at minimum costs. We will return to the matter as soon as we have received our client's final instructions."

A copy of our letter is attached as Exhibit A of this Declaration. Our intention as of June 14, 2002 was not to actively withdraw or abandon the six U.S. patent applicants entrusted to Mr. Hughes but to keep them pending at least up to the issuance of the first Official Action.

6. Mr. Mäkipää, the inventor was not able to find investors by the end of July 2002 and Alma Media confirmed that they were not interested in paying any further patent related costs for Domiras Oy. As a result, we sent a letter to Mr. Hughes at McDonnell Boehnen Hulbert & Berghoff on August 8, 2002 instructing him as follows:

"Referring to our letter of 14 June 2002 we inform you that the Applicant has now decided to abandon the patent applications as identified on the enclosed listed. Therefore, please let these applications lapse without incurring further cost."

A copy of our letter is attached as Exhibit B of this Declaration. Although the word "abandon" appeared in the letter, it was not my intention as the primary patent attorney responsible for the Domiras Oy applications to actively withdraw or abandon the applications. I assumed that based upon my instructions, the applications would kept pending at least up to the first Official Action or other events requiring consideration.

7. In the fall of 2002, Mr. Mäkipää located new investors and purchased the shares of Domiras Oy from Alma Media OYJ. The purchase was completed on December 19, 2005. The sole asset of Domiras Oy was the patent portfolio and it was of outmost importance for the new owners that the essential patent applications were in force. The new owners asked us to confirm the status of the six Domiras Oy U.S. patent applications listing in Paragraph 2 above. We sent a letter to Mr. Hughes at McDonnell Boehnen Hulbert & Berghoff on December 20, 2002 inquiring about the status of the six Domiras Oy U.S. patent applications that were entrusted to his firm. The letter also inquired about the possibility of reviving any applications that might have lapsed in the interim. That letter is attached as Exhibit C to this Declaration.

8. On December 20, 2002, we received a reply from Mr. Hughes to our inquiry. In his reply, Mr. Hughes indicated that all six of the Domiras Oy patent applications that we entrusted to him, including the '596 application, were still pending with the U.S. Patent Office.

10. At all times until October, 2005 we believed that the '596 application was still pending with the U.S. Patent Office. In October 2005, the owner of the application having negotiated a license with a potential client asked us about the status of the '596 application and several other U.S. patent applications. We sent Mr. Hughes an inquiry

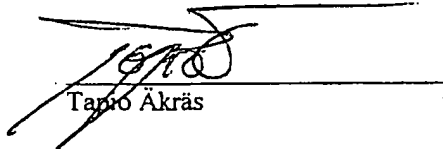
about the '596 application on October 27, 2005. Several days later, we learned from Mr. Hughes that the application had gone abandoned on January 2, 2003 for failure to respond to an Office Action dated October 1, 2002.

11. At all times from December 20, 2002 onward, it was our intent to evaluate the First Official Action for each application identified in Paragraph before instructing Mr. Hughes whether or not to continue to prosecute the application in the U.S.

12. At all times from December 20, 2002 onward, it was our intent to evaluate the First Official Action for the '529 application before instructing Mr. Hughes whether or not to continue to prosecute the application in the U.S.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that will false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Respectfully Submitted,



Tapio Akräs

Date: January 16, 2006



MCDONNELL BOEHNEN  
HULBERT & BERGHOFF  
32 ND FLOOR  
300 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606  
USA

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MALLIT • MÖNSTER • DESIGNS

KOLSTER

Attn: Mr A. Blair Hughes

FAX: 3129130002, original by mail

Helsinki, 14 June 2002

Re: U.S. Patent Applications in the name of Domiras Oy

Dear Mr Hughes:

This is to inform you that the ownership of patent applications in the name of Domiras Oy might change in the near future and that the further prosecution of the applications is under consideration. For your convenience, we have attached a list of the applications that are handled by your office.

Kindly incur no further expenses and do no work on these files without written authorisation from us. However, in case an official letter is issued, please send us a copy thereof at minimum costs. We will return to the matter as soon as we have received our client's final instructions.

Please confirm the receipt of this letter by return telefax and send us your debit note for outstanding costs, if any, by 5 July 2002 at the latest.

Thank you for your assistance in this matter.

Yours faithfully,

KOLSTER OY AB

*Lenita Lindroos*  
Lenita Lindroos

Encl.

KOLSTER OY AB

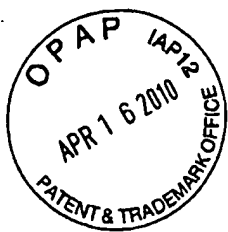
Iso Robertinkatu 23  
• Stora Robertsgatan 23  
PL • PB • PO Box 148  
FIN - 00121 Helsinki • Helsingfors

[www.kolster.com](http://www.kolster.com)

fax +358 (0)9 602 244  
tel. +358 (0)9 602 244

Perustettu • Grundad • Established 1874  
Y-tunnus • FO-nummer • Business ID 0110129-2

Toimistot • Kontor • Offices:  
Helsinki • Helsingfors  
Turku • Åbo  
Tampere • Tammerfors  
Vaasa • Vasa



KOLSTER



DOMIRAS OY

<u>Kolster's ref.</u>	<u>Appln No.</u>	<u>Applicant</u>	<u>Your ref:</u>
2000222US	09/980,195	DOMIRAS OY	01-1727
2000349US	09/604,596	DOMIRAS OY	00-516
2970932US	09/462,761	DOMIRAS OY	99,922
2980443US	09/800,750	DOMIRAS OY	01-187
2990003US	09/804,862	DOMIRAS OY	01-186
2990168US	10/032,905	DOMIRAS OY	01-1602

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HULBERT & BERGHOFF  
32 ND FLOOR  
300 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606  
USA



00-516

Attn: Mr. A. Blair Hughes

FAX: 3129130002, original by mail

Helsinki, 8 August 2002

**RE: Abandonment of U.S. Patent Applications**  
**Applicant: Domiras Oy**

Dear Mr Hughes,

Referring to our letter of 14 June 2002 we inform you that the Applicant has now decided to abandon the patent applications as identified on the enclosed list. Therefore, please let these applications lapse without incurring further costs.

Please confirm the receipt of this letter.

Yours faithfully,

KOLSTER OY AB

Anita Kantola

Encl. /1 page

KOLSTER OY AB

Iso Roobertinkatu 23  
• Stora Robertsgatan 23  
PL - PB - PO Box 148  
FIN - 00121 Helsinki • Helsingfors  
kolster@kolster.fi

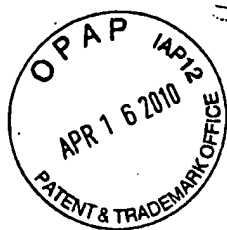
[www.kolster.com](http://www.kolster.com)

fax +358 (0)9 602 244  
tel +358 (0)9 618 821

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Turku • Åbo  
Tampere • Tammerfors  
Vaasa • Vasa  
Oulu • Uleåberg





## DOMIRAS OY

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2970932US	09/462,761	DOMIRAS OY	99,922
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32 ND FLOOR  
300 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606  
USA



Attn: Mr. A. Blair Hughes

URGENT!

FAX: 3129130002, original by mail

Helsinki, 20 December 2002

**RE: Revival of abandoned U.S. Patent Applications**  
Applicant: DOMIRAS OY

DOCKETED

DEC 30 2002

DUE DATE: \_\_\_\_\_  
BY: KB

Dear Mr. Hughes,

We refer to our letter of August 8, 2002 instructing you to abandon all U.S. patent applications handled by your firm on behalf of our client, Domiras Oy.

In your letter of August 8, 2002 you kindly confirmed receipt of our instructions and informed us that you will close your files for each of the six cases (cf. the enclosed list) and that you will incur no further expenses.

However, our client is now in negotiation on company acquisition and we would like to know whether or not any of said six applications can be revived anymore? We look forward to your response at your very earliest convenience.

With kind regards and all good wishes for Christmas and the New Year,

Very truly yours,

KOLSTER OY AB

  
Anita Kantola

Encl. List



KOLSTER



DOMIRAS OY

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